

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

April 10, 2001

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Presentation to Groundwater Resource Association** *(Barry Pulver)*

Barry Pulver of the Tank Site Mitigation and Cleanup Unit was invited to speak at the Groundwater Resource Association Southern California Branch (GRA) meeting in Santa Ana. Barry addressed the GRA on March 20, providing an overview of the MTBE impacts to drinking water in Region 9 and a detailed discussion of the oversight role that the Regional Board is taking to address MTBE-contaminated groundwater in the Temecula Valley area. Barry also talked about the Regional Board's efforts in working with the City of Temecula to develop a groundwater protection plan for the City's drinking water aquifer. The 30 people attending the symposium included industry and water agency representatives, independent tank owners and operators, and consultants.

2. **County of San Diego Wetlands Workshop** *(Mike Porter)*

The San Diego RWQCB was invited to give a presentation at a Wetlands Protection Workshop hosted by the County of San Diego on March 20, 2002. Mike Porter, Associate Engineering Geologist, gave a Microsoft PowerPoint presentation to the audience that described the Section 401 Water Quality Certification Program. The presentation provided a brief overview of the type of information necessary for a complete application, what staff look at when reviewing an application, how recent court rulings are being addressed under section 401, and staff contacts for their respective areas of Region 9. The County plans to post this PowerPoint presentation at their website (<http://www.co.san-diego.ca.us/cnty/cntydepts/landuse/planning>) in the near future.

3. **Stream Protection and Restoration Workshop** *(Mike Porter)*

The Regional Board hosted a two-day workshop on the principles of stream protection and restoration on March 25-26, 2002. The workshop was taught by Dr. Ann Riley, Environmental Specialist IV, San Francisco RWQCB. Ms. Riley is author of the book, Restoring Streams in Cities, A Guide for Planners, Policymakers and Citizens (1998). Over seventy people attended the workshop, representing staff from the San Diego RWQCB, the Santa Ana RWQCB, the U.S. Army Corps of Engineers, the California Department of Fish and Game, planners, scientists and engineers from local municipal governments, environmental non-governmental organizations (NGOs) and environmental consultants. The workshop was also attended by planners from the City of Tijuana, Baja and environmental NGOs from the City of Tecate, Baja.

The workshop presented the basic concepts of fluvial geomorphology and how the concepts are applied to restore streams that had been previously channelized or placed underground. These design concepts allow for complete flood control protection, allow riparian habitats to flourish, provide restored designated beneficial uses, and restore urban runoff pollution assimilation that natural streams provide. Fluvial geomorphology design engineering concepts can also be utilized to avoid placing streams underground or in channels, while maintaining full flood control protection.

4. Municipal/Construction Storm Water Permit Workshops (*Benjamin Tobler*)

The Southern Watershed Protection Unit has been conducting Municipal/Construction Storm Water Permit Workshops for each of the municipal storm water Copermittees in the southern half of the San Diego Region. To date, staff have met with the Cities of Santee, Solana Beach, El Cajon, Poway, San Diego, Escondido, Chula Vista, Lemon Grove, and Imperial Beach. These workshops consist of three parts: (1) a presentation on the integration of the Statewide General Construction Storm Water Permit requirements with the Municipal Storm Water Permit construction requirements; (2) a presentation on the implementation of the Municipal Storm Water Permit focusing on high priorities for the program, including 303(d) listed water bodies; and (3) conducting a joint construction site inspection with the municipal construction inspectors. The presentations briefly describe problems Regional Board staff have observed at construction sites, effective Best Management Practices (BMPs) for construction sites, the design and use of cost-effective post-construction BMPs, and proper documentation of problems should the Copermittee ask for the Regional Board's assistance in attaining compliance. The joint storm water construction inspection focused on partnering with the Copermittee inspectors and letting them know what Regional Board staff focus on when conducting inspections. The intent of these workshops are to meet the Copermittee's storm water staff and to develop and maintain stronger working relationships with the Copermittees.

5. Tour of San Diego by US Navy (*Michael McCann*)

On March 18 Board members Terese Ghio and Eric Anderson attended an informative boat tour conducted by the Navy of various Navy projects in San Diego Bay. Capt. Boland and Brian Gordon guided the tour of the Navy's monitoring boat, the features of the San Diego Bay Naval Station, and the environmental project associated with the Homeporting Dredging project on Coronado Island. Also attending the tour was the designated public representative, Neil Marshall, and Regional Board staff David Barker and Michael McCann.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) and Other Wastewater Overflows *(Victor Vasquez, Adam Laputz, Chiara Clemente, David Hanson, Bryan Ott) (Attachment B-1)*

In March 2002, there were 36 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 23 of these spills reached surface waters or storm drains, **but none resulted in closure of recreational waters**. Of the total number of overflows from public systems, 14 were 1,000-gallons or more. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics."

An additional 28 sewage overflows from private property were also reported in March, of which five were 1,000 gallons or more. Nineteen of the private property spills reached surface waters or storm drains, and two resulted in closure of recreational waters. The number of private property spills is significant. Staff is looking at ways that sewer agencies can more effectively identify and request necessary preventive measures by private owners who have experienced sewage spills.

A total of 0.46 inches of rain was recorded at San Diego's Lindbergh Field in March. For comparison, 0.17 inches of rain was recorded and 31 public SSOs were reported in February 2002, and 0.63 inches of rain was reported and 43 public SSOs were reported in March 2001.

One Notice of Violation (NOV) was issued in March for a recent significant overflow. The NOV was issued to the following agency:

County of San Diego

The County of San Diego notified this office of a 14,000-16,000 gallon sanitary sewer overflow that occurred approximately 1.5 miles south of the Julian Water Pollution Facility on Highway 78, in Julian, on January 22, 2002. This overflow was caused by a sewer line blockage.

2. Total Maximum Daily Load (TMDL) Activities Update *(Alan Monji) (Attachment B-2)*

TMDL Overview

In accordance with Section 303(d) of the Clean Water Act (CWA), the state must identify waterbodies that are not meeting water quality standards based on available pollution controls. The CWA also requires states to establish a priority ranking for waters on the 303(d) list of impaired waters and establish Total Maximum Daily Loads (TMDLs) for such waters. A TMDL is an action plan for reducing and allocating the loads of a specific pollutant to an impaired water body. TMDLs are developed for the purpose of ensuring that water quality standards are attained and beneficial uses restored.

The first six tasks in the "development phase" of a TMDL include preparation of the Problem Statement, Numeric Target, Source Analysis, Linkage Analysis, Load

Allocations and Wasteload Allocations, and Margin of Safety. Together these elements comprise what is commonly known as a "Technical TMDL".

When the development phase is near completion, the "Implementation Planning" phase begins. The Implementation Plan describes best management practices, point source controls or other actions necessary to implement the TMDL. The Plan describes how and when necessary controls / restoration actions will be accomplished, and who is responsible for implementation. Developing a Monitoring Strategy is also part of Implementation Planning. The Monitoring Strategy specifies the monitoring activities needed to assess the effectiveness of the TMDL and includes a schedule for reviewing and (if necessary) revising the TMDL and associated implementation elements. Stakeholder participation is an essential part of TMDL development and implementation.

The draft technical TMDL, Implementation Plan, Monitoring Strategy, and proposed Basin Plan Amendment are subject to independent scientific peer review. Upon responding to peer review comments and making appropriate revisions, the formal public review process begins. This process will culminate in a formal public hearing in which the Regional Board will consider adoption of the Basin Plan Amendment. Incorporation of the regulatory provisions of the TMDL into the Basin Plan is the mechanism that makes the TMDL enforceable and ensures its implementation.

Upon adoption by the Regional Board, the TMDL is subject to approval by the State Board, the Office of Administrative Law (OAL) and USEPA. Only upon approval by USEPA is the TMDL effective. The final phase, "Implementation" by the responsible parties is overseen by the Regional Board.

Additional TMDL information and guidance documents can be found on the World Wide Web. Some useful web sites are: www.EPA.gov/OWOW/tmdl/decisions, www.swrcb.ca.gov/rwqcb9/TMDL/tmdl, and www.swrcb.ca.gov/quality.

General Progress on TMDL Projects

Currently, there are seven TMDLs in progress. Two of the seven, Rainbow Creek – Nutrients and Chollas Creek – Diazinon will be presented to the Regional Board for consideration of adoption this fiscal year, tentatively May 2002 and June 2002, respectively.

Chollas Creek - Diazinon *(Linda Pardy and Jimmy Smith)*

The Implementation Plan, Monitoring Plan, Basin Plan amendment, Staff Report, Economic Consideration, CEQA checklist, Regional Board Resolution, Notice of Public Workshop, Notice of Public Hearing, and Notice of Filing have been completed and the entire package is expected to undergo internal management review shortly. Upon internal review completion, the package will be released for a 45-day public review and comment period. The tentative public workshop is expected to be scheduled for April or May 2002 and the Public Hearing is expected to be scheduled for June 2002.

Rainbow Creek - Nutrients *(Lisa Brown and Alan Monji)*

The Notice of Hearing/Notice of Filing was published in the San Diego Union-Tribune (March 22, 2002), the North County Times (March 23, 2002), and mailed to the Regional Board mailing list and Rainbow Creek 'interested parties' mailing list. The draft Resolution, draft Basin Plan Amendment, and draft Staff Report were mailed to 'interested parties' and posted on the Regional Board website; thereby beginning the 45-day public review period beginning March 22, 2002. The draft Staff Report includes the technical TMDL elements, an Implementation Plan, a discussion of environmental issues including a CEQA Checklist, and a discussion of economic considerations. A public workshop will be held on April 11, 2002 at 9:00 a.m. in the Regional Board Hearing Room. The Public Hearing for the Regional Board to consider incorporating the TMDLs into the Basin Plan will be May 8, 2002.

Chollas Creek - Metals *(Lisa Brown and Alan Monji)*

The draft Problem Statement, Numeric Targets, and Source Analysis have been submitted to USEPA for review, and these draft documents are posted on the Regional Board web site. So far, USEPA has only minor comments on these drafts. The Industrial Environmental Association (IEA) has also provided comments on these drafts.

The drafts of the Load Allocations, Linkage Analysis, and Margin of Safety are complete and have been reviewed by Regional Board staff. However, these drafts need revision since new data were collected in Chollas Creek after the original drafts were completed, and the data may alter load allocations and source estimates. The Chollas Creek draft revisions are on hold while staff focuses attention on completing the Rainbow Creek Nutrients TMDLs. When work on this TMDL resumes, it will be conducted by newly assigned staff members (the staff person that developed this TMDL recently resigned).

Shelter Island Yacht Basin - Dissolved Copper *(Lesley Dobalian and Christina Arias)*

The draft Technical TMDL and Implementation Plan is nearing completion and is undergoing internal revision. Staff will be requesting peer review of the draft documents in the near future. Staff is in the process of drafting a Basin Plan amendment and tentative Resolution to be presented at a Regional Board Public Hearing. It is expected that the Regional Board Hearing to consider amending the Basin Plan to incorporate the TMDL will be scheduled for August 2002.

Staff was invited and will make a presentation on the Shelter Island Yacht Basin TMDL at the 11th annual International Congress on Marine Corrosion and Biofouling to be held at the University of San Diego on July 22-26, 2002. The presentation will be included among a number of talks focusing on San Diego Bay as a case study for antifouling strategies. The Sea Grant Marine Advisor for the University of California Cooperative Extension, Leigh Johnson, will be participating in and facilitating the San Diego Bay case study presentations.

San Diego Bay / Near Chollas Creek – Contaminated Sediment *(Alan Monji and Tom Alo)*

Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions will be made to these drafts once comments are received.

Southern California Coastal Water Research Project (SCCWRP) has recently submitted summaries of the toxicity testing results from the 14 sampling stations and 6 reference stations. The results of the toxicity testing will be used to document the extent, spatial pattern, and relative magnitude of acute toxicity and sublethal effects in the San Diego Bay sediments near the mouth of Chollas Creek. It is anticipated that the sediment chemistry, benthic community composition, and bioaccumulation results will be submitted in April 2002.

Lastly, we have requested that SCCWRP and the U.S. Navy informally present to Regional Board Staff the results of the sediment quality data that has been collected to date. The presentation is tentatively scheduled in April 2002.

San Diego Bay/Seventh Street Channel – Contaminated Sediment *(Tom Alo and Brennan Ott)*

Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions will be made to these drafts once comments are received.

SCCWRP has recently submitted summaries of the toxicity testing results from the 17 sampling stations and 6 reference stations. The results of the toxicity testing will be used to document the extent, spatial pattern, and relative magnitude of acute toxicity and sublethal effects in the San Diego Bay sediments at Seventh Street Channel. It is anticipated that the sediment chemistry, benthic community composition, and bioaccumulation results will be submitted in April 2002.

Lastly, we have requested that SCCWRP and the U.S. Navy informally present to Regional Board Staff the results of the sediment quality data that has been collected to date. The presentation is tentatively scheduled in April 2002.

Mission Bay –Bacteria *(Christina Arias and Lesley Dobalian)*

At present, there are numerous ongoing or proposed research projects to address elevated bacteria levels in Mission Bay. It is anticipated that the results of these investigations will provide information needed for the development of the Mission Bay TMDL for bacteria. Approximately \$5.5 million of the \$8 million currently committed to these projects have come from State sources. The bulk of these projects are managed by the City of San Diego.

As part of the Regional Board's recent efforts to oversee the efficient usage of State funds for these projects, staff conducts regular meetings with the City of San Diego for the purpose of providing guidance and developing mutual understanding. In response to input from Regional Board staff, the City has developed the Mission Bay Water Quality Management Plan, a working document that will continue to be updated as Regional

Board and City staff continue to develop shared goals. On March 18, 2002, City staff and I met with Celeste Cantu, State Board Executive Director, and other State Board staff to discuss the Mission Bay Management Plan and to further clarify the State and Regional Board expectations.

On March 27, 2002, the City hosted the first meeting of the Mission Bay Technical Advisory Committee. The purpose of the Committee is to provide oversight and information exchange for all of the Mission Bay projects. This Committee includes the Regional Board, pertinent stakeholders, environmental groups, and technical experts. The Committee plans to meet on a quarterly basis.

3. Clean Water Act Section 401 Water Quality Certification Actions Taken in March 2002 (Stacey Baczowski)

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | CERTIFICATION ACTION |
|---------|---|--|---|----------------------|
| 3/1/02 | Highgrove Development | Schleuniger Property Housing Development Project | 51 units of detached single family homes, associated streets, and utilities. | Conditional |
| 3/1/02 | Talega Associates, LLC | Telaga Phase II | Construction of residential and commercial development, and associated infrastructure on over 1,000 acre in Orange County. | Conditional |
| 3/1/02 | Opportunity Properties | Tract 29675 | Construction of 253 single family residential lots, one park site, one detention basin, and one open space lot on 90 acres in French Valley. | Conditional |
| 3/1/02 | Brookfield Homes | Brookfield Homes/ University Commons | Development of 695 single family residences and associated roads on 312 acres in San Marcos. | Conditional |
| 3/4/02 | City of San Diego, Metropolitan Wastewater Department | Acuna Emergency Sewer Repairs | Construction work to access the manholes along the trunk sewer including grading, repair of maintenance access, and installation of water crossings | Conditional |
| 3/14/02 | California State University, San Marcos | Housing Project | Buildings for student housing and associated facilities including | Conditional |

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| | | | parking lot and a police station. | |
| 3/19/02 | Santa Fe Valley Community Services District | Santa Fe Valley Wastewater Treatment Plant/Wet Weather Storage | Minor construction and mitigation changes for 1999 project. | Conditional |
| 3/19/02 | Rancho Santa Fe Community Services District | Santa Fe Valley Treatment Plant | Development of a tertiary treated wastewater plant | Conditional |
| 3/21/02 | County of Riverside Department of Transportation | De Portola Road Improvements | Structural road and safety improvements, including repair, rehabilitation, and/or replacement of several culverts. | Standard |
| 3/21/02 | Marine Corps Base Camp Pendleton | Restoration of Temporary Impacts Caused by Airfield Levee | Restoration of approximately 0.87 acre of riparian habitat via drainage correction | Standard |
| 3/21/02 | Ron and Vida Barbanell | Post Fire Rehabilitation | Replacement and/or removal of road crossings installed for fire fighting access. | Standard |
| 3/26/02 | Rilington Communities | Rancho Pacifica | 21 unit residential development on 33 acres in San Marcos. | Conditional |
| 3/27/02 | Winchester Square, LLC | Winchester Square- Tualota Creek Flood Protection Project | Implementation of flood control measures along 750 linear feet of Tualota Creek. | Conditional |
| 3/27/02 | Transportation Corridor Agencies | Foothill Corridor Bridge Crossings | Widening of Arroyo Trabuco bridges on I-5 to the full ultimate corridor project requirements. | Conditional |
| 3/28/02 | Timothy Day | Day Residence | Bridge replacement and creek enhancement. | Standard |
| 3/28/02 | Marine Corps Air Station Miramar AC/S Environmental Management | Magazine Area Perimeter Fencing | Replacement of existing fencing, and the installation of new fencing. | Standard |
| 3/28/02 | San Diego Gas & Electric | Mission Bay (Circuit 741) Directional Bore Project | Bore beneath the Mission Bay channel to install conduits for electric cables | Standard |
| 3/29/02 | Rancho Santa Fe | Rancho Santa Fe | Grading to repair storm | Conditional |

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|---------|-----------------------|---|---|-------------|
| | Association | Golf Course Creek Repair and Maintenance Project | damage, reconstruct creek channel and banks, install a 20 mil PVC liner with a concrete veneer, pond aeration equipment and 24" storm drain by- pass system | |
| 3/29/02 | H.G Fenton Company | Camino Santa Fe Roadway Project | Extension of Camino Santa Fe from its existing terminus at Mira Mesa Blvd. and Trade St. | Conditional |

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

4. Mountain Meadow Mushroom Farm (*Bob Morris*)

During the public forum on March 13th, representatives from San Diego BayKeeper and Surfrider Foundation requested that the Regional Board schedule a public hearing to consider issuance of an enforcement action against the Mountain Meadow Mushroom Farm. The speakers alleged the Mushroom Farm has violated and continues to violate State and Federal water quality laws and regulations.

The Regional Board is scheduled to consider adoption of waste discharge requirements for this facility on May 8, 2002. The tentative requirements had been originally scheduled for the October 10, 2001 Regional Board meeting, but was delayed due to concerns regarding compliance with the California Environmental Quality Act and our priority to complete the Orange County Municipal Stormwater Permit. Copies of the tentative requirements were sent to concerned neighbors of the Mushroom Farm, the San Elijo Lagoon Foundation, Escondido Creek Conservancy, and State and local regulatory agencies in September 2001. In addition, we will forward the tentative requirements to San Diego BayKeeper and Surfrider Foundation for their review and comments.

The Mountain Meadow Mushroom Farm, located on North Broadway, Escondido has been owned and operated by Mr. Robert Crouch since 1984. We first became aware of the operation in late 1997 after receiving reports that the facility was discharging wastewater to the adjacent creek. Although no actual discharges were observed, staff concluded that the operation posed a threat to water quality and in November 1998, directed Mr. Crouch to submit a report of waste discharge. In response, Mr. Crouch provided staff with information about his operation and waste management practices, but delayed submitting the required report of waste discharge until June 25, 2001. Mr. Crouch reported that previously he had been poorly advised in contesting our regulation of his mushroom farm. Since then, Mr. Crouch proceeded to obtain the assistance of the Natural Resource Conservation Service to assess and improve the water quality protection measures at the facility. Staff's inspected the operation in December 2001 and concluded that the improvements made will result in compliance with the tentative requirements, including a prohibition discharging compost process water to the adjacent creek at any time. To achieve compliance, Mr. Crouch has installed a subsurface disposal system that

would be used if wastewater stored in concrete sumps threaten to overflow during a chronic rainfall event.

The two most recent complaints about the facility's waste management operation were in June and August 2001. In June, a neighbor reported that the mushroom farm was discharging to the creek water being used to wash down the roofs. Staff notified Mr. Crouch to divert the discharge to his storage sumps or use it for land disposal. In August, the San Elijo Lagoon Conservancy raised concerns about the volume of compost material on the site. We informed the Conservancy that the mushroom farm would be required to implement measures to prevent discharges from the compost piles to the creek.

In addition, Mr. Crouch recently submitted an application for Section 401 water quality certification for having installed riprap along the sides of the adjacent creek approximately 15 years ago. We understand that the submittal was in response to an Army Corps of Engineers recent finding that the work was completed without a Section 404 permit. Based upon our initial review of the application, we intend to issue a standard water quality certification for the project.

5. Seaworld Fireworks (*Pete Michael*) (*Attachment B-5*)

Summertime fireworks shows on Mission Bay have been presented for special events since 1968, and on a regular basis since 1985, to visitors of SeaWorld marine park. The SeaWorld Master Plan allows up to 150 shows per year and the park has averaged 110 to 120 shows per year. The fireworks are launched from a barge anchored in south Pacific Passage between SeaWorld and Fiesta Island. SeaWorld has reported that the shows deliver only a small amount of residue and a fraction of a percent of unexploded "stars" reach Mission Bay waters. After each fireworks show SeaWorld staff sweeps the Bay for duds and debris and performs beach searches. Enhanced cleanups are also performed each week and each month. Regional Board staff observations at the site have confirmed that there are no visible wastes in the vicinity of the barge.

In response to a query about SeaWorld displays by Dr. Jeffery Gordon, a physician who practices in Ocean Beach, the Executive Officer on February 8, 2002 sent a letter identifying sources of information about fireworks (attachment B-5). Dr. Gordon offered to assist the Regional Board in reviewing the effects of the fireworks.

A December 2001 report by SAIC¹ submitted by SeaWorld to the Regional Board indicated that slightly-enriched levels of barium were found in Mission Bay bottom sediments when compared to the control station at Quivera Basin. The report, however, indicated that barium was not found at levels which would cause toxicity to marine life. Other elements associated with similar fireworks shows, antimony and strontium, were not found at enriched levels². The report findings were based on a relatively small number of sampling stations but appear to confirm SeaWorld's January 2002 contention that "SeaWorld's fireworks shows conducted pursuant to the SeaWorld Master Plan will have no significant impacts on Mission Bay."

The reports provided to the Regional Board by SeaWorld appear to demonstrate that the fireworks displays do not cause significant changes to bottom sediment quality. With the exception of the December 2001 SAIC report, however, most of the information submitted addressed chemistry and operations of other fireworks displays^{3,4} and freshwater issues⁵, rather than site-specific analyses of salt-water harbors such as Mission Bay.

The SAIC study was limited in scope with relatively few sampling stations. Information needed to understand the effects of the SeaWorld fireworks events include: (1) specific characterization of wastes generated by the Sea World fireworks displays, including spent and unexploded propellants of shells and stars; (2) specific geographic areas on land and water affected by all duds and debris, including the area near the fireworks barge and the target area; (3) water quality trends in the target area and Mission Bay; and (4) discussion of best management practices to protect water quality, including methods to prevent or reduce waste discharge from fireworks events. Staff intends to schedule a meeting with SeaWorld to discuss these information needs.

Notes

¹ *Evaluation of Impacts from SeaWorld Fireworks Displays to Mission Bay Sediment Quality*. Science Applications International Corporation. Report prepared for SeaWorld San Diego. December 6, 2001.

² A total of 23 metals or metalloids were sampled in sediment. Comparisons were made between concentrations of elements versus iron and aluminum to normalize the levels of these elements in sediment. SAIC found enrichment factors of 1.8 for barium, 0.4 for strontium, and 1.2 for antimony at the experimental sites. SAIC noted that barium appeared slightly enriched at the fireworks site but not at levels high enough to cause toxicity, affect water quality, affect beneficial uses, or present a human health risk.

³ *Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics*. American Pyrotechnics Association. January 23, 1998.

⁴ *Chemistry of Pyrotechnics* by John Conkling. Marcel Dekker, Inc., New York. 1985.

⁵ *Environmental Effects of Fireworks on Bodies of Water* by Thomas DeBusk et al. Apparently produced for Walt Disney World. The report provides a discussion of a water quality in a small freshwater lake at EPCOT Center at Disney World in Lake Buena Vista, Florida. Approximately 2000 fireworks shows over a decade produced gradual increases in water column antimony and barium. Most of the antimony and barium were thought to be in insoluble forms in bottom sediment at levels a hundred times higher than in the water column. No date was provided but the report was transmitted by Fax on July 25, 2001.

6. San Diego BayKeeper and Surfrider Foundation Lawsuit against the City of San Diego for Sewage Spills (Brian Kelley)

On March 29, 2001, San Diego BayKeeper and Surfrider Foundation filed suit against the City of San Diego (City) for alleged violations of the Clean Water Act. The lawsuit

concerns the City's illicit discharges of millions of gallons of raw sewage into coastal waters in the San Diego area, causing posting of the subject areas by the local Health Department to prevent public contact with affected waters. The time period covered by the lawsuit is from November 9, 1995 to October 30, 2000, the date of the notice of intent to file suit. The plaintiffs are seeking to restrain the City's illegal discharges unless the City meets a compliance schedule to 1) construct an adequate sewage system, 2) construct an adequate stormwater system, 3) develop studies to determine the sources of pollutants discharged into navigable waters, and 4) develop programs to ensure full compliance with all terms of the Clean Water Act and the NPDES permit, NPDES Stormwater Permit and Sewage Overflow Order No. 96-04. Civil penalties of \$27,500 per day of violation, as well as an order that the City restore and mitigate harms to the affected environment, are also being sought.

A hearing was held on January 7, 2002, in U.S. District Court, Southern District of California, with Judge Brewster presiding, to consider a motion by the City to dismiss and/or stay the lawsuit pending the results of the ongoing investigation by USEPA concerning the same issues. Judge Brewster deferred his ruling until an evidentiary hearing could be held to determine factual issues relevant to the City's motion. This hearing is now scheduled for June 11, 2002. Regional Board staff anticipates that a formal enforcement action by USEPA regarding the City's sewage collection system will be issued in the near future.

7. San Diego Municipal Storm Water Permit Update *(Phil Hammer)*

Staff is currently reviewing the Copermittees' two most recent submittals under the San Diego Municipal Storm Water Permit (Permit) – the Model Standard Urban Storm Water Mitigation Plan (SUSMP) and each Copermittee's Jurisdictional Urban Runoff Management Plan (JURMP).

The Model SUSMP addresses how the Copermittees will manage urban runoff from new development and significant redevelopment. Staff is currently reviewing the document for compliance with the Permit. After review of the document is completed, it is anticipated that the document will be presented to the Regional Board in June 2002 for consideration of approval. Following final approval of the Model SUSMP by the Regional Board, the Copermittees will have six months to implement their programs to manage urban runoff from new development and significant redevelopment.

The JURMP documents are required to comprehensively describe how each Copermittee will manage urban runoff within their jurisdictions. Staff is now carefully reviewing these documents for compliance with the requirements of the Permit. Upon completion of review of the JURMPs, staff will be meeting with each Copermittee to ensure an accurate and complete review. Following these meetings, staff will be providing each Copermittee with written comments covering the findings of the review.

On March 21, 2002, John Robertus attended the Copermittees' monthly storm water meeting. He provided a presentation to the Copermittees on the Regional Board's perspective and expectations for their storm water programs.

8. Budget Trade and Gas Administrative Civil Liability Complaint – Ability to Pay Analysis (*Sue Pease*)

During the month of March and early April, staff of the Office of Statewide Initiatives (OSI) analyzed Mr. & Mrs. Jimmy Hsu's financial documents to determine their ability to pay the previously assessed civil liability of \$35,680 (ACL Order No. 2000-23). The RWQCB indicated that it would consider the Hsus' ability to pay the existing ACL before making a decision regarding the second ACL complaint. This pending complaint recommended that the RWQCB assess a civil liability penalty of \$146,500 against the Hsus' for failing to submit a corrective action plan for remediation of ground-water pollution at their facility.

OSI staff met with Mr. Hsu in Escondido on April 2, 2002, to get the final information needed to complete the analysis. A final report on the "Ability to Pay" analysis will be forwarded to RWQCB staff as soon as it is completed. The hearing on the pending ACL complaint will be continued at the May 8, 2002 RWQCB meeting, in part to enter the "Ability to Pay" analysis into the hearing record. The RWQCB will be able to then consider the analysis in its deliberations on the complaint.

9. CEQA Documentation for General Waste Discharge Requirements for In-Situ Groundwater Remediation at Petroleum Hydrocarbon Fuel and/or VOC Impacted Sites (*Barry Pulver*)

The Tank Site Mitigation and Cleanup (TSMC) Unit is in the process of preparing General Waste Discharge Requirements (WDRs) for groundwater remediation at sites impacted by petroleum hydrocarbon and/or volatile organic compounds. Petroleum hydrocarbons and/or volatile organic compounds contaminate groundwater at various sites throughout the San Diego Region, and cause, or threatens to cause, adverse impacts to existing and potential beneficial uses of the region's groundwater resources. The proposed General WDRs cover the injection or emplacement of chemicals, bacteria and/or nutrients into monitoring wells or excavations for the purpose of cleaning up petroleum impacted groundwater. . The various treatment processes (commonly called "in-situ remediation") covered by the proposed General WDRs enhance and accelerate the natural biodegradation processes in the subsurface that break down and consume petroleum hydrocarbons. The proposed General WDRs also would cover the return of groundwater, pumped and treated aboveground, to the same aquifer zone from which it was pumped.

The adoption of WDRs for in-situ groundwater remediation/cleanup or the return of treated groundwater to the same aquifer zone would: a) simplify the application process for dischargers, b) allow more efficient use of Regional Board staff time, c) reduce Regional Board time by enabling the Executive Officer to notify the discharger of the applicability of the general WDRs, d) enhance the protection of surface water quality by eliminating the

discharge of wastewater to surface waters, and e) provide a level of protection comparable to individual, site specific WDRs.

As lead agency under the California Environmental Quality Act (CEQA), the Regional Board requested public input regarding the preparation of an Environmental Initial Study for the proposed General WDRs. The Notice of Preparation of a Negative Declaration and the Environmental Initial Study were sent to over 800 interested persons including municipalities, dischargers, consultants, and environmental groups. Interested persons were invited to provide comments on the Environmental Initial Study at a scoping meeting scheduled for April 12, 2002, in the Regional Board office, or to submit written comments. Staff hopes to bring the proposed General WDRs to the Regional Board for adoption in September 2002.

10. Implementation of SB 390 (*Art Coe*) (*Attachment B-10*)

The Regional Board has historically waived regulation of a variety of discharges that were determined to not pose significant threats to water quality. These waivers are contained in the Basin Plan. As a result of SB 390 being chaptered, all of our current waivers will expire on January 1, 2003 absent Board action to renew them.

We are currently reviewing our waiver policy to determine which waivers should be renewed and which should be allowed to expire, and, for those that would be allowed to expire, which should be covered by general or individual waste discharge requirements. Our current plan is to develop tentative recommendations and distribute them for public review by mid-April. We plan to hold a workshop in mid-May, to answer questions and receive comments. The workshop could include Board Member participation, at the pleasure of the Board. Recommendations for a Basin Plan amendment to renew the waiver policy would then be brought before the Regional Board, following a public hearing, during the August 14, 2002 meeting.

Section 13260(a)(1) of the California Water Code (CWC) requires that persons discharging or proposing to discharge waste in a manner that could affect the quality of the waters of the state submit reports of waste discharge to the appropriate regional board. CWC Section 13269 allows regional boards to:

- Waive the requirement for submission of a report of waste discharge under Section 13260; or,
- Waive the need for the regional boards to adopt waste discharge requirements.

Waivers under CWC Section 13269 are conditional and may be terminated at any time by a regional board.

Regional boards issue two kinds of waivers. One type is a waiver for a specific discharge. The other is a waiver for a type or class of discharge. A regional board may impose conditions on the issuance of either type of waiver. Note that Section 13269

applies only to waiver of state waste discharge requirements. There are no provisions in the federal Clean Water Act for waiver of the requirement for a NPDES permit.

In the San Diego Region the Board has seldom issued waivers for specific discharges. The workload to waive waste discharge requirements for a specific discharge is not very different from the workload to issue waste discharge requirements. The Board has, however, in adopting the Basin Plan, waived the issuance of waste discharge requirements for twenty-eight types or classes of discharge. These discharges, and the conditions that apply to the waivers, are summarized in Table 4-4 of the Basin Plan (Attachment B-10). These are discharges for which it has been determined that:

- The discharge is effectively regulated by other public agencies;
- The discharge does not adversely affect the quality or the beneficial uses of the waters of the state; or,
- The discharge is not readily amenable to regulation through adoption of waste discharge requirements.

The section of the Basin Plan covering waivers of waste discharge requirements is referred to as the "waiver policy." The Board's waiver policy is implemented by the Executive Officer, in response to queries about specific proposed or existing discharges. Typically, we will receive a call from a person inquiring about the need for a permit for a specific discharge. If the discharge is covered by the waiver policy, the caller is informed that the Board has waived regulation of that class of discharges, any conditions that apply to the waiver and that no action is necessary on their part other than complying with the applicable conditions. Since our current waivers generally apply to discharges with little potential for water quality impacts, we have not made any effort to formally enroll or provide any regulatory oversight for most of the affected discharges.

Senate Bill 390 (Alpert) was signed into law October 6, 1999. The bill made a number of changes to the CWC including changes to Section 13269. Effective January 1, 2001 the regional boards are required to:

- Review the terms, conditions and effectiveness of each type of waiver included in their waiver policies;
- Renew waiver policies and all waivers for specific discharges by January 1, 2003 (failure to renew a waiver automatically results in termination);
- Determine if general or individual waste discharge requirements should be issued for ongoing discharges where waivers have been terminated;
- Enforce waiver conditions; and,
- Renew waivers every five years.

To allow the Board to enforce waiver conditions it will be necessary to keep track of and conduct some level of inspection program for discharges covered under waivers after January 1, 2003. This will necessitate establishment of an enrollment process (filing of a Notice of Intent) and likely an application fee structure.

Pending legislation may affect our plans for renewal of the Board's waiver policy. AB 2226 (Salinas) was introduced on February 20, 2002. AB 2226 would modify the current language in CWC Section 13269 to provide that waivers in effect on January 1, 2000 remain valid until January 1, 2007, unless terminated by the Regional Board prior to that date. The bill would further authorize waivers to be renewed for not more than 10 years.

11. Vail Lake, LLC/William P. Johnson - ACL Status (*Frank Melbourne*)

On March 15, 2002, the State Water Resources Control Board received a petition from William P. Johnson and Vail Lake, LLC regarding the Regional Board's adoption of Administrative Civil Liability Order No. R9-2002-0027. The Regional Board adopted the enforcement order on February 13, 2002 assessing a liability of \$422,200 for violations of the State Board's General Construction Storm Water Permit. The State Board received the petition 30 days following the Regional Board's action, within the 30-day period for filing a petition with the State Board. The State Board Office of Chief Counsel will inform the parties of its consideration of the petition.

12. Industrial Storm Water Inspections (*John R. Phillips*)

This fiscal year the USEPA has provided 1.4 million dollars to the State to be used to increase the number of industrial storm water inspections conducted in southern California. These funds were provided through the use of an USEPA contractor, Tetra Tech, to conduct industrial storm water inspections and municipal storm water audits on behalf of three southern California Regional Boards. This effort commenced in September 2001. Tetra Tech staff conducted a total of 67 industrial storm water inspections in September.

There are approximately 650 – 700 industries currently regulated under the statewide General Industrial Storm Water Permit, Order No. 97-03-DWQ, within the jurisdiction of the San Diego Regional Board. Many of these industries contribute to urban runoff and related pollution problems. There are an unknown number of industrial facilities that should be regulated under the Industrial Storm Water Permit, but have not obtained coverage. It is estimated that the number of non-filers is significantly higher than the number of filers. A statewide effort to identify the “non-filers” is currently underway.

Tetra Tech staff returned to this Region in February 2002 to conduct additional industrial storm water inspections. The Tetra Tech inspectors conducted a total of 76 inspections from February 25 to March 1, 2002. Inspection reports for all 76 facilities have been submitted to Regional Board staff. The inspection reports consist of the inspector's field notes, an inspection report, a Storm Water Pollution Prevention Plan checklist, site photographs and pertinent Regional Board file material.

Tetra Tech staff developed a ranking system for prioritizing Regional Board follow-up actions, including recommendations for enforcement actions. Six facilities have water quality or other significant violations and are the highest priority for follow-up inspections and appropriate enforcement. Fifty-four facilities have a variety of lessor

violations (such as not having the pollution prevention plan on site) and/or low 'threat to water quality' violations and are a medium priority for follow-up actions. The rest of the facilities, sixteen in all, are generally in compliance with the regulations and do not require any follow up actions at this time.

Regional Board staff has inspected two of the six high priority facilities and issued a "Notice to Comply" to each operator for violations. Regional Board staff will be visiting the rest of the high priority facilities and recommending appropriate enforcement action. The medium priority facilities will be subject to site visits by staff and possible enforcement action based on staff's review of the inspection reports and follow-up inspection.

Thus far, Tetra Tech has conducted a total of 143 inspections within this Region and may be available in August to continue inspections. As many as 60 more inspections may be conducted for a total of 200 inspections.

13. Ramona Municipal Water District – Request for Basin Plan Amendment to Relax Ground Water Quality Objectives for the Kimball and Gower Hydrologic Subareas *(Bryan Ott) (Attachment B-13)*

The Ramona Municipal Water District (RMWD) has again requested that the Regional Board consider relaxing the ground water quality objectives in the Gower (907.23) and Kimball (907.22) Hydrologic Subareas (HSA) of the San Vicente (907.20) Hydrologic Area of the San Diego (907.00) Hydrologic Unit.

On September 13, 2000, the Regional Board considered and subsequently denied adoption of tentative Resolution No. 2000-119, which proposed relaxing certain ground water quality objectives, notably total dissolved solids (TDS), to the level of water quality predicted for the Gower and Kimball HSA's in the year 2008. Some members of the Regional Board voiced concerns that the proposed resolution could facilitate degradation of existing water quality in these basins. In response to those concerns, RMWD submitted a new request using current ground water quality data in place of projected ground water quality data, as the basis for relaxed ground water quality objectives.

The designated beneficial uses for the Kimball and Gower HSA's include municipal, domestic, and agricultural supply. Ground water is used in both HSA's by private well owners for domestic use. RMWD's three municipal supply wells in the Ramona HSA (905.41), which are north and upgradient of the Kimball and Gower HSA's, provide about one percent of the total water supplied to residents in the subject area for domestic use.

The proposed TDS, chloride, and nitrate objectives for the affected ground water basins are presented in Table 1. The current water quality of the three constituents match the existing designated objectives of the Basin Plan shown below. The locations of the two HSA's that will be affected by the proposed beneficial use changes are shown on the attached map (B-13).

TABLE 1

| Constituent | Existing Basin Plan Objective | Proposed Objective | |
|------------------------------|----------------------------------|-------------------------|-----------------------|
| | (mg/l) | (mg/l) | |
| | | Kimball HSA (907.22) | Gower HSA (907.23) |
| Total Dissolved Solids (TDS) | 600 | 750 | 650* |
| Chlorides | 250 | 300 | no change |
| Nitrates (as NO3) | 5 | 15 | 25 |

* These objectives apply to ground waters of the Gower HSA (7.23) within San Diego Country Estates and Rancho San Vicente areas. Ground water quality objectives west of these areas are 750 mg/l.

A ground water model by Dudek and Associates, a consultant for the RMWD, predicts that these hydrologic subareas are degrading primarily due to the regional importation of supply water containing significant levels of minerals and less from the contribution of the recycled water from the San Vicente Water Reclamation Facility.

The projected future ground water TDS concentrations are not expected to comply with the current Basin Plan objectives and with the recommended state and federal potable water standards. The District's technical reports show that the current (1998) TDS concentration of ground water in the Kimball and Gower HSA's range from 641 mg/l to 860 mg/l whereas in 1988 the spectrum of TDS levels varied from 357 mg/l to 595 mg/l.

RMWD owns and operates the San Vicente Water Reclamation Facility (SVWRF) located on San Vicente Road in the Gower HSA. Since 1974, the effluent limitations on the San Vicente discharge required RMWD to use a reverse osmosis (RO) unit to reduce salt concentrations in excess of ground water objectives. If the Regional Board were to approve relaxation of the ground water objectives requested, the RMWD will avoid the cost of replacement of the RO unit. Taking no action on RMWD's request would force the SVWRF to continue using RO at an estimated annual cost of \$250,000 per year and additional replacement costs of approximately \$536,000. The deteriorating quality source water is expected to necessitate replacement of the current system. Studies prepared by Dudek and Associates estimate that demineralization of the wastewater effluent produced by the SVWRF reduces the total salt loading by 5% within the two HSA's.

Also, at the September 13, 2000 Regional Board meeting, the Board asked for 1) information explaining the discrepancy between the 5% and 14% salt loading to the HSA's attributed to discharge from the SVWTP presented during the public hearing, 2) an explanation regarding the RMWD's request for relaxation of the Basin Plan limit for nitrate in the Gower and Kimball HSA's, and 3) recent decisions by other Regional Boards on relaxation of ground water standards.

In recent meetings with Regional Board staff, the RMWD and its consultant have not provided any new ground water data since the last tentative resolution was rejected nor have they provided any information addressing the above noted Board's concerns on this issue.

14. Status of the Orange County Municipal Storm Water Permit (Order No. R9-2002-0001) (Dave Gibson)

Seven petitions have been filed requesting the State Board to review Order No. R9-2002-0001 (Table 1). Twelve of the thirteen Copermittees have filed or joined petitions. At the request of the petitioners, the State Board is holding four of the petitions in abeyance pending completion of administrative or judicial reviews of municipal storm water discharge permits adopted by the Los Angeles, Santa Ana, and San Diego Regional Water Quality Control Boards. Also, six of these petitions included a request for the State Board to stay all or part of the Order pending review. The State Board has not yet announced whether it will consider ordering a stay of the Order. Staff is awaiting further action by the State Board and will provide additional information in the May Executive Officer's Report.

Table 1

| SWRCB/O CC File | Petitioner(s) | Requested Petition to be Held in Abeyance | Stay Requested |
|--------------------|--|--|----------------|
| A-1465 | 1. County of Orange 2. Orange County Flood Control District 3. Laguna Hills 4. Laguna Niguel 5. Laguna Woods 6. Rancho Santa Margarita 7. San Clemente 8. San Juan Capistrano | Yes | No |
| A-1465(a) | 1. Lake Forest 2. Rancho Santa Margarita 3. Laguna Woods ¹ | Yes | Yes. |
| A-1465(b) | Dana Point | Yes | Yes. |
| A-1465(c) | Mission Viejo | No. | Yes. |
| A-1465(d) | 1. Aliso Viejo 2. Rancho Santa Margarita | Yes | Yes. |
| A-1465(e) | 1. Building Industry Association of Southern California, Inc 2. Building Industry Legal Defense Foundation 3. Construction Industry Coalition for Water Quality | No. | Yes. |
| A-1465(f) | Golden Rain Foundation of Laguna Woods (AKA Leisure World) | No. | Yes. |

15. Status on Landfills (Attachment B-15)

Gregory Canyon Landfill - Proposed (Carol Tamaki and John Odermatt)

On September 26, 2001 the Regional Board staff met with the consultant to Gregory Canyon Limited and the County of San Diego Local Enforcement Agency (LEA) to discuss revisions to the Joint Technical Document (JTD) provided to the agencies in July 2001. The consultant indicated that a number of revisions would be made to the

document, including: additional groundwater monitoring wells to enhance leak detection capability, enhancement of the storm water conveyance system, clarification of supporting hydrogeological and geotechnical information, and addition of a double composite liner system to the revised landfill design. On December 31, 2001, the North County Times published an article on the status of the Gregory Canyon Landfill (see attachment B-15a).

On March 26, 2002, the Regional Board staff again met with the project proponent (Mr. Richard Chase) and his consultants to discuss outstanding issues related to the design and operational aspects of the proposed municipal solid waste (MSW) landfill. The meeting was conducted to discuss the technical aspects of the storm water conveyance and erosion control systems, several proposed alternative double liner designs, and engineering aspects of material stability included in the proposed alternative designs of the waste management unit. The project proponent has indicated that they would revise and clarify technical aspects of the storm water conveyance system and liner design and provide those revisions to the Regional Board staff for further consideration and discussion.

San Marcos Landfill – Closure *(Carol Tamaki and John Odermatt)*

On January 9, 2002, the Regional Board received a Joint Technical Document (“JTD”) from the County of San Diego including an amended Report of Waste Discharge (ROWD) for the closure of the San Marcos Landfill. Under the requirements of Addendum No. 1 to Cease and Desist Order 98-39, a complete JTD is required to be submitted to the Regional Board no later than June 30, 2002.

On March 5, 2002, the County of San Diego Department of Public Works (County DPW) hosted a meeting to discuss technical comments from the RWQCB (dated February 8, 2002) regarding the JTD for closure of San Marcos Landfill. The Regional Board staff notified (in a letter dated March 6, 2002) the County of our serious concerns about the outcome of the meeting and requested additional information to help resolve remaining geotechnical issues. On March 22, 2002, the Regional Board received partial copy of draft revisions to the JTD. The Regional Board staff advised the County (by telephone and e-mail) that a complete copy of their draft responses would assist both agencies in arriving at agreement on content/format of the final JTD.

On April 2, 2002, the County DPW provided the Regional Board with a copy of all their proposed revisions to the JTD. The Regional Board staff hopes to meet with the County during latter part of April 2002 to work through the remaining issues associated with JTD for the closure of the San Marcos Landfill.

San Diego Region Burn-ash Sites *(Amy Fortin and John Odermatt)*

Cal-EPA has convened a work group including the State Water Resources Control Board (SWRCB), Department of Toxic Substances Control (DTSC) and the Integrated Waste Management Board (CIWMB) to address various issues related to the management of wastes from burn-ash sites. Cal-EPA has compiled a list of 527 burn-ash sites statewide of which 53 sites are located within the San Diego Region. Residual wastes associated with these sites commonly contain elevated and/or hazardous concentrations of metals

(e.g., lead, copper, chromium, etc.). Depending upon the site-specific location and nature of the wastes, the threat to water quality from these sites may be significant.

Rainbow Canyon Landfill (A.K.A. Temecula Landfill): On February 21, 2002, the Regional Board staff met with Dr. Grewal to discuss current site conditions, monitoring and maintenance work required by existing waste discharge requirements (WDRs), and future information required for the site. Dr. Grewal verbally indicated that she no longer owned the property and that it had been transferred during 1994 to 1995. The Regional Board staff requested that she provide acceptable documentation for the transfer and contact information for the current owner. Dr. Grewal agreed to provide the Regional Board with ownership transfer documents and results from a title search within the next two weeks (by March 6, 2002). As of March 25, 2002, Dr. Grewal failed to provide all the information requested by the Regional Board staff.

On March 28, 2002, the Regional Board Executive Officer issued a request for information under authority of Water Code Section 13267. The request requires that Dr. Grewal provide the following information to the Regional Board:

By April 15, 2002: 1.) contact information (e.g., name, mailing address and telephone number) for the current owner of the parcel including Rainbow Canyon Landfill; 2.) the correct assessors parcel number for the property including the Rainbow Canyon Landfill and 3.) the results from a title search with a chronology of site ownership for the property containing the Rainbow Canyon Landfill. This information shall include a clear and accurate chronology (history) of ownership that clearly indicates your affiliation with and/or ownership of the site.

By May 5, 2002: Dr. Grewal was directed provide copies of all additional technical reports and written correspondence concerning the Rainbow Canyon Landfill for the time period from 1993 to present.

Closure of Surface Impoundments – MCB Camp Pendleton *(Amy Fortin and John Odermatt)*

On December 6, 2001, the Executive Officer issued a written request for the USMC to provide the Regional Board with either: (1) a report of waste discharge to operate existing surface impoundments in compliance with Water Code Section 13260, or (2) a schedule for closure of the existing surface impoundments in compliance with applicable state requirements (CCR Title 27). The due date for a response from the USMC was set for March 5, 2002.

On February 27, 2002, the USMC provided a response to the written request from the Regional Board Executive Officer. The written response indicates that two of the surface impoundments (located at the 23 Area Marine Corps Air Station) have been backfilled by the USMC. The remaining three surface impoundments, two located at the ACU-5, LCAC (military landing craft) facility and the 43 Area Vehicle Wash Rack, are still present. The initial written response (dated February 27, 2002) received from the USMC

was determined to be insufficient, because it did not include a proposed schedule for closure of the existing surface impoundments as required in the original request. Following a telephone conversation with the Regional Board staff (on March 11, 2002), the USMC provided an additional written response (dated March 15, 2002) to clarify their proposed schedule for closure the remaining surface impoundments. The USMC anticipates that they will not receive funding for closure of the remaining surface impoundments until federal fiscal year (FY) in 2005 (begins October 1, 2005).

On March 26, 2002, Regional Board staff performed site inspections to verify the reported status of the surface impoundments. The staff was able to verify that three (43 Area Vehicle Wash Rack and two at the ACU-5, LCAC facility) of the original five surface impoundments still exist, as indicated by the previous letters received from the USMC. Based upon the proximity of the sites to actual beneficial uses of surface water resources, the USMC's proposed schedule for closure of the two surface impoundments at the ACU-5, LCAC facility may be acceptable. However, the Regional Board staff remains concerned with USMC's proposed schedule for closure of the 43 Area Vehicle Wash Rack as potential discharges from that facility could impact sensitive beneficial uses of water resources in Las Pulgas Canyon and Las Flores Creek.

In view of the extended period of time that may elapse before the USMC implements closure of the remaining three surface impoundments, the Regional Board staff is developing a monitoring and reporting program for the three remaining surface impoundments. Monitoring and reporting requirements will be designed to ensure that the surface impoundments remain inactive and that they do not discharge wastes to water resources in violation of statutory or Basin Plan requirements. It is likely that the Regional Board staff will be meeting with the USMC to more thoroughly discuss their proposed schedule for closure of the three remaining surface impoundments.

Former Omar Rendering Landfill and Groundwater Cleanup *(Brian McDaniel and John Odermatt)*

On February 15, 2002, the Regional Board was notified the IT Group, Inc. had filed for bankruptcy under Chapter 11 with the U.S. Bankruptcy Court for the District of Delaware [Case No. 02-10118 (MFW)]. Among the list of "debtors" included the party identified as the current owner of the Former Omar Rendering Site: Landbank Incorporated located at 141 Union Boulevard, Suite 330, Lakewood, Colorado 80228-1838.

On March 4, 2002, a representative from Landbank Inc. met with Regional Board staff to discuss the anticipated events associated with the solvency of Landbank Inc. The Regional Board staff will discuss this turn of events with the State Board OCC staff to determine the possible effects this action has upon the status/viability of Landbank Inc. as a discharger with actual or potential liabilities for: 1.) compliance with waste discharge requirements (Order 97-40) for the Class I waste management unit, and 2.) as a responsible party to the cleanup and abatement of groundwater pollutants from the former Omar Rendering site.

Proposal to Use of Biosolid Derived Materials as Alternative Daily Cover at Otay Landfill *(Brian McDaniel and John Odermatt)*

On March 28, 2002, the Regional Board received a written request from San Diego Landfill Systems (a subsidiary of ALLIED Waste) to use processed biosolid (sludge from POTWs) derived materials as alternative daily cover at the Otay Landfill. Alternative daily cover materials are allowed under the applicable requirements of Section 20690 of California Code of Regulations, Title 27. The Regional Board staff is currently reviewing potential water quality issues related to the written proposal received from San Diego Landfill Systems.

Exploring Opportunities for Interagency Coordination with the CIWMB *(John Odermatt)*

The Regional Board and the CIWMB jointly regulate municipal solid waste (MSW) landfills under requirements of California Code of Regulations, Title 27. On March 13, 2002, the Regional Board requested that Mr. Mike Fileccia (San Diego County LEA) communicate the importance of resolving differences in compliance criteria that may exist between the California Integrated Waste Management Board (CIWMB), its LEAs, and the Regional Board. Chairman Minan indicated that he would bring this topic up at the next meeting of the Regional Board Chairs. Finally, the Regional Board directed the staff to raise this issue formally to Cal-EPA and the CIWMB.

On April 4, 2002, the Regional Board Executive Officer sent a letter to the Director of the CIWMB (attachment B-15b) to initiate a dialogue between the San Diego Regional Board staff and the staff from the California Integrated Waste Management Board. The objective of the letter was to identify possible areas of closer cooperation, initially focusing on a better mutual understanding of agency procedures for conducting compliance inspections and cross-media enforcement actions. The letter also identifies several types of MSW landfills for further discussion: 1.) "active" facilities where disposal of solid municipal wastes is ongoing; 2.) "inactive" facilities where active disposal of wastes has ceased for a period of 18 months or more; and 3.) "closed" facilities where active disposal of wastes has ceased, closure has been implemented under 27 CCR, and the discharger is currently implementing post-closure maintenance and monitoring plans.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Border and Tribal Program Activities *(Claudia Villacorta)***Border Monitoring Program**

As part of the funding allocated for border coordinator activities, the Regional Board received contract funds to implement a border monitoring program. The goal of this

program is to identify, monitor and predict the sources and fates of discharges in the Tijuana River Watershed and near shore coastal waters. The program is comprised of three major projects: (1) terrestrial monitoring, (2) ocean monitoring and (3) terrestrial-marine waters integration. For the first year, the Regional Board contracted San Diego State University to develop the terrestrial monitoring project. Work associated with this project started in September 2001 and the total contract amount is \$190,000.

This year, the Regional Board contracted Ocean Imaging, Inc. to develop the ocean monitoring component of the program. The goal of this project is develop and implement a remote sensing program to identify and track (in near real time) the fate and transport of sewage and/or stormwater plumes in ocean waters along the US-Mexico border region. The contractor will be involved in data acquisition from satellite and aerial sources, data processing and analysis. Imagery will be obtained from an area extending 10 miles South and 55 miles North of the US-Mexico Border (total of 65 Miles of shoreline). Some of the first year objectives of the program include: (1) developing a remote sensing, GIS-based database which will be used to analyze locations, sizes, trends and extents of runoff and discharge plumes in the region, (2) establishing an operational program which involves real-time runoff/discharge surveillance of the region, and (3) establishing a real-time analysis and delivery network between the contractor and local and state agencies that will enable importing, viewing and basic analysis of remote sensing data, which can be used to guide coastal management efforts.

Work associated with this project started in March 2002 and the total contract amount is \$191,500.

2. Risk Control and Problem Solving Method to be used by all Regional Boards (*John Robertus*) (*Attachment C-2*)

The SWRCB and all Regional Boards are in the process of implementing a regulatory method prescribed in the book, **The Regulatory Craft**, by Malcom K. Sparrow. The effort is part of the Strategic Plan's Key Strategic Project for Prioritization which includes providing a means to establish priorities for the SWRCB, the Program Work Plans and for each Regional Board. Celeste Cantu, the Executive Director of the SWRCB, has endorsed The Risk Control and Problem Solving Method which is focused on the Regional Boards and will endeavor to find a significant environmental problem and solve it within one year. The intent is to direct up to 5% of the general fund resources to solve a selected problem in each region through a six-step process, which emphasizes performance measurement of the outcome in the environment, rather than measurement of the regulatory process. A one-day training session was conducted in Sacramento by Malcom Sparrow on March 25, 2002. John Robertus, Art Coe, Mike McCann and David Barker were in attendance along with over 50 of the top managers in the organization. There is another training session on May 13-14, 2002 to assist executive staff in finalizing project selection. All projects are to be initiated by July 1, 2002 and be concluded in about one year. The selection process for our regional problem is underway and will be concluded by early June. Reports of our progress will be provided monthly.

Attached is an informational background paper issued in preparation for the March training session.

3. Clean Water Act Section 303(d) List of Impaired Waters – 2002 Update (*James Smith*)
(Attachment C-3)

Staff has recently completed updating the draft Section 303(d) list of impaired waters and supporting documentation. A draft version of the 303(d) Staff Report was presented to the Board in October 01 as an informational item. A public workshop was held in December and all public comments have been considered in preparing the final report. The final recommendations were sent to the State Water Resources Control Board (State Board) and posted on the Regional Water Quality Control Board's website on March 18, 02. A copy has been provided to each of the Board Members as an attachment to this Executive Officer's Report. Also included is a brief statistical overview of the number of listings and of the major pollutants that constitute the Section 303(d) list.

The State Board has compiled a single, statewide list of impaired waters that was released for public review on April 2, 02. State Board has accepted all Regional Board recommendations as put forth in this final report. State Board will be conducting public hearings in Sacramento on May 23 and 24 and in Ontario on May 30, 02. State Board plans to formally adopt the single statewide list in September 02 and will submit the report to the USEPA in October 02.